

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	2:06-CR-213-MEF
	)	
KELLY MCDUGAL	)	

UNOPPOSED MOTION TO CONTINUE SENTENCING

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and as grounds for the Motion to Continue Sentencing, states as follows:

1. Sentencing in the above-styled case is set for May 31, 2007, at 9:00 a.m.
2. The parties have entered into a plea agreement, the terms of which call for the government to file a motion for downward departure of no more than 3 levels at sentencing, should defendant complete the cooperation agreement found at pages 4-6 of the plea agreement.
3. The defendant has not completed her cooperation agreement. The defendant is expected to complete her cooperation agreement sometime after July 9, 2007, by testifying in the case United States v. Badillo, et al., scheduled for trial July 9, 2007, and/or offering testimony in any sentencing hearing involving the co-defendants in the case.
4. The government will not file its' motion for downward departure unless and until the defendant completes her cooperation agreement and provides substantial assistance to the government
5. Counsel for the defendant, Pate DeBardeleben, Esq., has been contacted and has no objection to a continuance in this matter.

Based on the facts stated above, the United States respectfully requests a continuance of the sentencing hearing in this case.

Respectfully submitted this 11<sup>th</sup> day of May, 2007.

LEURA G. CANARY  
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Pate DeBardleben.

Respectfully submitted,

LEURA G. CANARY  
UNITED STATES ATTORNEY

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